

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS DUBUC and CAROL DUBUC,

Plaintiff,

v.

Case No. 08-13727

GREEN OAK TOWNSHIP, et al.,

Defendants.

OPINION AND ORDER DENYING PLAINTIFFS' MOTION FOR SANCTIONS

In August, 2010, Plaintiffs, Dennis and Carol Dubuc, were ordered to pay Defendant Green Oak Township a \$15,000 sanction. Plaintiffs posted no bond, obtained no stay, and failed to pay the sanction "forthwith," as ordered. On December 10, 2012, the court directed Defendant to report whether Plaintiffs paid the sanction; on December 17, Defendant reported that Plaintiffs had not responded to letters or a phone message and had paid nothing; and, more than a month later, on January 21, 2013, Defendant moved to hold Plaintiffs in contempt. Plaintiffs then moved for sanctions against Defendant's counsel, under 28 U.S.C. § 1927, on the ground that Defendant moved for contempt even though Plaintiffs paid Defendant \$15,000 on December 12, 2012. In an amended motion Plaintiffs acknowledge that, in violation of Local Rule 7.1(a), they moved for sanctions without first contacting Defendant. Nevertheless, although confessedly ignorant of Defendant's version of events, Plaintiffs accuse Defendant's counsel (whom Plaintiffs at one point dismiss as "this woman") of, among many other things, failing to "engage[] in one ounce of due

diligence or investigation," acting "outrageous[ly]," and submitting an "utterly frivolous" motion that "repeatedly evidences bad faith and vexatiousness." (Dkt. # 115.)

Defendant, meanwhile, withdraws the contempt motion. After noting the letters and phone message that went unanswered, and the status report that was ignored, Defendant explains:

Prior to filing [the contempt] motion, [Defendant's] attorney contacted the [Green Oak] township supervisor, and was advised that sanctions had not been paid by [Plaintiffs]. In Plaintiffs' motion, [Plaintiffs] claim to have hand-delivered a cashier's check on December 12, 2012. It was only after Plaintiffs' motion [for sanctions] was filed that the township was able to track the check, which had been accepted by staff and not reported to any of the township's elected officials.

(Dkt. # 118 at 3.) Defendant's supervisor and treasurer each submit an affidavit confirming that Defendant told its counsel the \$15,000 remained unpaid but that Plaintiffs' moving for sanctions prompted a review that revealed Plaintiffs' payment.

In sum, despite their paying the paltry, near-token amount of \$15,000 late—more than *two years* late—Plaintiffs seek, through a truculent and needlessly ill-informed motion, to punish an error that Plaintiffs, by their own stealthy silence, allowed to fester. It is not Defendant's unjustly-accused counsel, but Plaintiffs (most particularly Plaintiff Dennis Dubuc, admitted to practice before the bar of this court and committed on his oath to adhere to and honor this court's civility principles) who have displayed abusively contemptuous behavior during this litigation and even now, in its aftermath. The court was, years ago, and remains, appalled.

IT IS ORDERED that Plaintiffs' motion for sanctions [Dkts. # 114, 115] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 30, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 30, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522